

Honorable Steven M. Gold
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

May 12, 2003

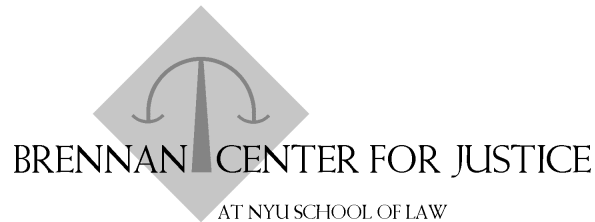
Re: Green Party of NYS v. NYS Board of Elections et al
(CV02-6465 (JG))

Dear Judge Gold:

Pursuant to the Court's order dated April 24, 2003, requesting that Plaintiffs provide a status report on the above-referenced matter, Plaintiffs and Defendants New York State Board of Elections (the "State Board") and the New York City Board of Elections (the "City Board") have agreed to provide this submission jointly.

At present, the parties are awaiting Judge Gleeson's decision on Plaintiffs' motion for a preliminary injunction. The Court held a hearing on that motion on January 16. At that hearing, the Judge Gleeson indicated that the Court was "inclined to consolidate" the hearing with the trial on the merits pursuant to Fed. R. Civ. P. 65(a)(2), but requested additional briefing on that question. Tr. at 103. In post-hearing submissions, the parties briefed the question of consolidation, as well as Defendants' *Daubert* challenge to Plaintiffs' expert, Richard Winger. All post-hearing papers were fully submitted on January 30. Plaintiffs support consolidation in part to expedite the resolution of this matter; the State Board, however, opposes consolidation.

The federal Help America Vote Act of 2002 (HAVA) requires all states to collect certain information from voters who register after January 1, 2003. Since that date, thousands of New York voter registrations have been submitted on old forms, which do not request the necessary information. Since January 1, 2003, more than 40,000 voter



registration forms have been received in the City of New York alone. County boards of elections will collect this information from new registrants, retroactively, once the new forms are issued. But the more time that passes without new voter registration forms, the more difficult that task will become. If the county boards are unable to obtain this information, moreover, those registrants will be asked to produce identification at the polls the first time they vote in a federal election. Once the preliminary injunction motion is decided, the State Board will expeditiously prepare new forms in compliance with HAVA and the Court's decision, and the county boards will begin collecting the required information from new registrants.

If you require any additional information, please contact Plaintiffs' counsel at (212) 992-8642.

Respectfully,

A handwritten signature in black ink, which appears to read "Jeremy M. Creelan".

Jeremy M. Creelan

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on this 12th day of May, 2003, I caused a true and accurate copy of the attached letter, to be served via facsimile and U.S. Mail on the following:

Todd Valentine, Esq.
Special Counsel, New York State Board of Elections
40 Steuben Street
Albany, NY 12207
Accepting service on behalf of
Defendants New York State Board of Elections and Commissioners of same

Paul Marks, Esq.
New York City Law Department
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Accepting service on behalf of
Defendants New York City Board of Elections and Commissioners of same



Jeremy M. Creelan